



HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007-2601

Joseph B Reynolds
Labor and Employment Law Division
Telephone: (212) 356-2442
Cell No.: (332) 323-0621

July 27, 2023

Via ECF

The Honorable Vera M. Scanlon
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East, 1214 South
Brooklyn, NY 11201

Re: Emöke Beickert & Stephanie Kushner v. New York City Department of Education,
22-cv-5265 (EDNY)

Dear Magistrate Judge Scanlon:

I am an Assistant Corporation Counsel in the Office of the Honorable Sylvia Hinds-Radix, Corporation Counsel of the City of New York, attorney for Defendant, New York City Department of Education. Pursuant to the Court's Individual Practice Rules II.b, I write jointly with Plaintiffs' counsel, Steven Warshawsky, to respectfully request a 3 month extension of the fact discovery deadline. This is the parties' second request to extend the fact discovery deadline and Plaintiffs consent to this request.

The parties request the fact discovery deadline be extended. Since the parties' last request, they amicably met and conferred and largely resolved their disputes concerning their discovery requests and the scope of discovery. Thereafter, Defendant began the collection and review process for responsive emails and electronic documents. That process has taken longer than anticipated but Defendant is very hopeful that it will be in a position to produce responsive

electronic emails and documents within the next two weeks.¹ Further, Defendant has sent out requests for medical information to third parties based on releases signed by Plaintiffs but still has not received a response about the requested information. Plaintiffs have also informed Defendant that they intend to provide a supplemental production. In light of the outstanding document production, the parties need additional time to conduct depositions and any related follow-up discovery.

Accordingly, the parties propose the following revised discovery schedule:

- October 30, 2023 – Fact discovery deadline and deadline to disclose experts;
- December 4, 2023 – Initial expert reports served;
- January 9, 2024 – Rebuttal expert reports served;
- March 4, 2024 – all discovery, including expert depositions, must be completed and parties file joint letter confirming that discovery is complete; and
- March 29, 2024 – deadline to initiate any dispositive motion practice in accordance with the Individual Rules of the District Judge

The parties thank the Court for considering this request.

Respectfully submitted,

J. Birt Reynolds
Assistant Corporation Counsel
jreynold@law.nyc.gov

To (via CM/ECF):
Plaintiff's counsel

¹ Part of the delay in completing the review of the documents that Defendant collected was a death in the undersigned's immediate family that necessitated being absent for multiple days during the weeks beginning July 2 and July 9.